

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff/Respondent,)
vs.)
GREGORY HOFFMAN,)
)
Defendant/Petitioner.)

Case 2:08-cr-00027-GMN-GWF

ORDER DENYING
Defendant's Motion to Reconsider
Judgment and Disposition
(ECF No. 141)

Before the Court is Defendant/Petitioner Gregory Hoffman's Motion to Reconsider Judgment and Disposition (ECF No. 141) and the Government's Response (ECF No. 142). Essentially, Defendant/Petitioner Hoffman misconstrues this Court's initial screening Order (ECF No. 110) directing the Government to respond to Defendant/Petitioner's § 2255 Motion. Defendant/Petitioner claims that this Court's prior screening Order contradicts the Court's final Order which found that Defendant/Petitioner's "allegations, viewed against the record, do not state a claim for relief." (ECF No. 141)

The Government is correct in noting that Defendant/Petitioner's motion is untimely pursuant to Federal Rule of Civil Procedure 59(e) which provides a 10-day limit. The Government is also correct that the screening duty of the Court to review and dismiss frivolous 2255 motions does not create a presumption that relief will be granted merely because the Court orders the Government to file a response to some or all of the claims presented.

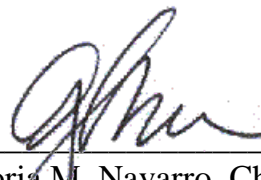
In this case, the Court appointed counsel to represent the Defendant/Petitioner and develop the claims, but ultimately, the allegations were just not supported by the record and did not warrant an evidentiary hearing. Accordingly, the motion was denied.

Having considered the motion and related briefing, and for the reasons set forth in the

1 Plaintiff/Respondent's Opposition, the Court finds that reconsideration is not warranted as
2 Defendant/Petitioner offers nothing new to establish the Court's review and conclusions were
3 erroneous. See *School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263
4 (9th Cir.1993).

5 **IT IS THEREFORE ORDERED** that Defendant/Petitioner Gregory Hoffman's Motion
6 to Reconsider Judgment and Disposition (ECF No. 141) is **DENIED**.

7 **DATED** this 11th day of February, 2014.

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12 Gloria M. Navarro, Chief Judge
13 United States District Court
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